

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

Attorney Docket No. 499.074US2

**COPY OF PAPERS
ORIGINALLY FILED**

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FLEXIBLE FAILOVER POLICIES IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on November 29, 2001 as application serial no. 09/997,404 and was amended on November 29, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

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Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
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Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**
Citizenship: **India** Residence: **Sunnyvale, CA**
Post Office Address: **1180 Reed Avenue**
#49
Sunnyvale, CA 94086

Signature:  Date: 03/02/2002
Padmanabhan Sreenivasan

Full Name of joint inventor number 2 : **Ajit Dandapani**
Citizenship: **United States of America** Residence: **Los Altos, CA**
Post Office Address: **35 Sylvian Way**
Los Altos, CA 94022

Signature: _____ Date: _____
Ajit Dandapani

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Michael Nishimoto**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: **1956 Serge Avenue
San Jose, CA 95130**

Signature: _____
Michael Nishimoto

Date: _____

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **5839 Capilano Drive
San Jose, CA 95138**

Signature: _____
Ira Pramanick

Date: _____

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **India**

Residence: **Sunnyvale, CA**

Post Office Address: **450 N. Mathilda
Apt. U102
Sunnyvale, CA 94086**

Signature: _____
Manish Verma

Date: _____

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: **276 Huckleberry Drive
San Jose, CA 95123**

Signature: _____
Robert David Bradshaw

Date: _____

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Signature: _____

S. Padmanabhan
Padmanabhan Sreenivasan

Date: _____

03/02/2002

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Citizenship: **United States of America**

Residence: **Los Altos, CA**

Post Office Address: **35 Sylvian Way
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Ajit Dandapani

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Citizenship: **United States of America**

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Citizenship: **India**

Residence: **San Jose, CA**

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Residence: **Sunnyvale, CA**

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Full Name of joint inventor number 7 : **Luca Castellano**

Citizenship: **United States of America**

Residence: **Los Gatos, CA**

Post Office Address: **251 Vista De Sierra
Los Gatos, CA 95032**

Signature: _____ Date: _____
Luca Castellano

Full Name of joint inventor number 8 : **Raghu Mallena**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **981 Pinewood Drive
San Jose, CA 95129**

Signature: _____ Date: _____
Raghu Mallena

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____ Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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Citizenship: **India** Residence: **Burnaby, Canada**
Post Office Address: 4390 Grange Street
#1702
Burnaby BC V5H 1P6
Canada

Signature: _____ Date: _____
Padmanabhan Sreenivasan

Full Name of joint inventor number 2 : **Ajit Dandapani**
Citizenship: **~~India~~ USA** Residence: **Los Altos, CA**
Post Office Address: 35 Sylvian Way
Los Altos, CA 94022

Signature: Ajit Dandapani Date: 2/7/02
Ajit Dandapani

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : **Michael Nishimoto**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 1956 Serge Avenue
San Jose, CA 95130

Signature: _____ Date: _____
Michael Nishimoto

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: 5839 Capilano Drive
San Jose, CA 95138

Signature: _____ Date: _____
Ira Pramanick

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **India**

Residence: **Sunnyvale, CA**

Post Office Address: 450 N. Mathilda
Apt. U102
Sunnyvale, CA 94086

Signature: _____ Date: _____
Manish Verma

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 276 Huckleberry Drive
San Jose, CA 95123

Signature: _____ Date: _____
Robert David Bradshaw

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Full Name of joint inventor number 7 : **Luca Castellano**
Citizenship: **United States of America**
Post Office Address: **251 Vista De Sierra
Los Gatos, CA 95032**

Residence: **Los Gatos, CA**

Signature: _____ Date: _____
Luca Castellano

Full Name of joint inventor number 8 : **Raghu Mallena**
Citizenship: **India**
Post Office Address: **981 Pinewood Drive
San Jose, CA 95129**

Residence: **San Jose, CA**

Signature: _____ Date: _____
Raghu Mallena

Full Name of inventor:
Citizenship:
Post Office Address:

Residence:

Signature: _____ Date: _____

Full Name of inventor:
Citizenship:
Post Office Address:

Residence:

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FLEXIBLE FAILOVER POLICIES IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on November 29, 2001 as application serial no. 09/997,404 and was amended on November 29, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. 48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. P-50,769	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
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Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**
Citizenship: **India** Residence: **Burnaby, Canada**
Post Office Address: 4390 Grange Street
#1702
Burnaby BC V5H 1P6
Canada

Signature: _____
Padmanabhan Sreenivasan

Date: _____

Full Name of joint inventor number 2 : **Ajit Dandapani**
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Signature: _____

Michael Nishimoto

Date: _____

2/25/02

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Signature: _____

Ira Pramanick

Date: _____

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Citizenship: **India**

Residence: **Sunnyvale, CA**

Post Office Address: **450 N. Mathilda
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Sunnyvale, CA 94086**

Signature: _____

Manish Verma

Date: _____

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: **276 Huckleberry Drive
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Post Office Address: **251 Vista De Sierra
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Residence: **Los Gatos, CA**

Signature: _____ Date: _____
Luca Castellano

Full Name of joint inventor number 8 : **Raghu Mallena**
Citizenship: **India**
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Signature: _____ Date: _____
Raghu Mallena

Full Name of inventor:
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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

**COPY OF PAPERS
ORIGINALLY FILED**

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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**
Citizenship: **India** Residence: **Burnaby, Canada**
Post Office Address: **4390 Grange Street**
#1702
Burnaby BC V5H 1P6
Canada

Signature: _____
Padmanabhan Sreenivasan

Date: _____

Full Name of joint inventor number 2 : **Ajit Dandapani**
Citizenship: **India** Residence: **Los Altos, CA**
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Signature: _____
Ajit Dandapani

Date: _____

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Post Office Address: **1956 Serge Avenue
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Signature: _____ Date: _____
Michael Nishimoto

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **5839 Capilano Drive
San Jose, CA 95138**

Signature: Ira Pramanick _____ Date: 02-02-2002 _____
Ira Pramanick

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **India**

Residence: **Sunnyvale, CA**

Post Office Address: **450 N. Mathilda
Apt. U102
Sunnyvale, CA 94086**

Signature: _____ Date: _____
Manish Verma

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

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Full Name of inventor:
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Post Office Address:

Residence:

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Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
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 - (ii) Asserting an argument of patentability.

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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

COPY OF PAPERS
ORIGINALLY FILED

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FLEXIBLE FAILOVER POLICIES IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on November 29, 2001 as application serial no. 09/997,404 and was amended on November 29, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
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Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**
Citizenship: **India** Residence: **Sunnyvale, CA**
Post Office Address: **1180 Reed Avenue**
#49
Sunnyvale, CA 94086

Signature: _____ Date: _____
Padmanabhan Sreenivasan

Full Name of joint inventor number 2 : **Ajit Dandapani**
Citizenship: **United States of America** Residence: **Los Altos, CA**
Post Office Address: **35 Sylvian Way**
Los Altos, CA 94022

Signature: _____ Date: _____
Ajit Dandapani

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Michael Nishimoto**
Citizenship: **United States of America**
Post Office Address: 1956 Serge Avenue
San Jose, CA 95130

Residence: San Jose, CA

Signature: _____ Date: _____
Michael Nishimoto

Full Name of joint inventor number 4 : **Ira Pramanick**
Citizenship: **India**
Post Office Address: 5839 Capilano Drive
San Jose, CA 95138

Residence: San Jose, CA

Signature: _____ Date: _____
Ira Pramanick

Full Name of joint inventor number 5 : **Manish Verma**
Citizenship: **India**
Post Office Address: ~~450 N. Mathilda~~ 243 BUENA VISTA AVE
Apt. ~~4102~~ 901
Sunnyvale, CA 94086

Residence: Sunnyvale, CA

Signature: Manish Chandra Verma Date: JUNE 18, 2002
Manish Verma

Full Name of joint inventor number 6 : **Robert David Bradshaw**
Citizenship: **United States of America**
Post Office Address: 276 Huckleberry Drive
San Jose, CA 95123

Residence: San Jose, CA

Signature: _____ Date: _____
Robert David Bradshaw

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Full Name of joint inventor number 7 : **Luca Castellano**

Citizenship: **United States of America**

Residence: **Los Gatos, CA**

Post Office Address: **251 Vista De Sierra
Los Gatos, CA 95032**

Signature: _____ Date: _____
Luca Castellano

Full Name of joint inventor number 8 : **Raghu Mallena**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **981 Pinewood Drive
San Jose, CA 95129**

Signature: _____ Date: _____
Raghu Mallena

Full Name of inventor:

Citizenship: _____ Residence: _____

Post Office Address: _____

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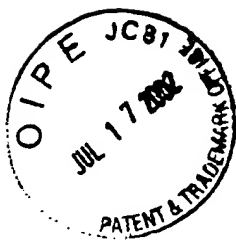
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United States Patent Application
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Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**
Citizenship: **India** Residence: **Burnaby, Canada**
Post Office Address: **4390 Grange Street**
#1702
Burnaby BC V5H 1P6
Canada

Signature: _____ Date: _____
Padmanabhan Sreenivasan

Full Name of joint inventor number 2 : **Ajit Dandapani**
Citizenship: **India** Residence: **Los Altos, CA**
Post Office Address: **35 Sylvian Way**
Los Altos, CA 94022

Signature: _____ Date: _____
Ajit Dandapani

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Full Name of joint inventor number 3 : **Michael Nishimoto**
Citizenship: **United States of America**
Post Office Address: 1956 Serge Avenue
San Jose, CA 95130

Residence: **San Jose, CA**

Signature: _____ Date: _____
Michael Nishimoto

Full Name of joint inventor number 4 : **Ira Pramanick**
Citizenship: **India**
Post Office Address: 5839 Capilano Drive
San Jose, CA 95138

Residence: **San Jose, CA**

Signature: _____ Date: _____
Ira Pramanick

Full Name of joint inventor number 5 : **Manish Verma**
Citizenship: **India**
Post Office Address: 450 N. Mathilda
Apt. U102
Sunnyvale, CA 94086

Residence: **Sunnyvale, CA**

Signature: _____ Date: _____
Manish Verma

Full Name of joint inventor number 6 : **Robert David Bradshaw**
Citizenship: **United States of America**
Post Office Address: 276 Huckleberry Drive
San Jose, CA 95123

Residence: **San Jose, CA**

Signature: Robert David Bradshaw Date: 1/27/2002
Robert David Bradshaw

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Full Name of joint inventor number 7 : **Luca Castellano**

Citizenship: **United States of America**

Residence: **Los Gatos, CA**

Post Office Address: **251 Vista De Sierra
Los Gatos, CA 95032**

Signature: _____ Date: _____
Luca Castellano

Full Name of joint inventor number 8 : **Raghu Mallena**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: **981 Pinewood Drive
San Jose, CA 95129**

Signature: _____ Date: _____
Raghu Mallena

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

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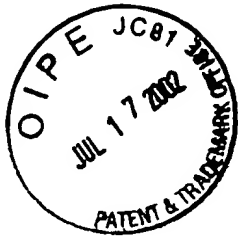
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SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

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COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney Docket No.499.074US2

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As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FLEXIBLE FAILOVER POLICIES IN HIGH AVAILABILITY COMPUTING SYSTEMS**

The specification of which was filed on November 29, 2001 as application serial no. 09/997,404 and was amended on November 29, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Attorney Docket No.: 499.074US2

Serial No. 09/997,404

Filing Date: November 29, 2001

Page 3 of 4

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Michael NishimotoCitizenship: United States of AmericaResidence: San Jose, CAPost Office Address: 1956 Serge Avenue
San Jose, CA 95130

Signature: _____

Michael Nishimoto

Date: _____

Full Name of joint inventor number 4 : Ira PramanickCitizenship: IndiaResidence: San Jose, CAPost Office Address: 5839 Capilano Drive
San Jose, CA 95138

Signature: _____

Ira Pramanick

Date: _____

Full Name of joint inventor number 5 : Manish VermaCitizenship: IndiaResidence: Sunnyvale, CAPost Office Address: 450 N. Mathilda
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Sunnyvale, CA 94086

Signature: _____

Manish Verma

Date: _____

Full Name of joint inventor number 6 : Robert David BradshawCitizenship: United States of AmericaResidence: San Jose, CAPost Office Address: 276 Huckleberry Drive
San Jose, CA 95123

Signature: _____

Robert David Bradshaw

Date: _____

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 499.074US2
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Page 4 of 4

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Full Name of joint inventor number 7 : Luca Castellano
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Luca Castellano

Date: July 10 2002

Full Name of joint inventor number 8 : Raghu Mallena
Citizenship: India
Post Office Address: 981 Pinewood Drive
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Residence: San Jose, CA

Signature: _____

Raghu Mallena

Date: _____

Full Name of inventor:
Citizenship:
Post Office Address:

Residence: _____

Signature: _____

Date: _____

Full Name of inventor:
Citizenship:
Post Office Address:

Residence: _____

Signature: _____

Date: _____

Attorney Docket No.: 499.074US2
Serial No. 09/997,404
Filing Date: November 29, 2001

Page 5 of 5

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

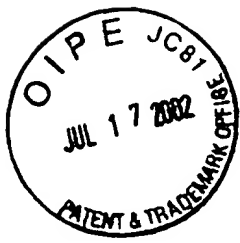
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

**COPY OF PAPERS
ORIGINALLY FILED**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

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No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. 48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. P-50,769	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Kalis, Janal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal R.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Cochran, David R.	Reg. No. 46,632	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	Reg. No. 45,368
Crisman, Douglas J.	Reg. No. 39,951	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	McCrackin, Ann M.	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
Embretson, Janet E.	Reg. No. 39,665	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Padmanabhan Sreenivasan**
Citizenship: **India** Residence: **Burnaby, Canada**
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#1702
Burnaby BC V5H 1P6
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Padmanabhan Sreenivasan

Full Name of joint inventor number 2 : **Ajit Dandapani**
Citizenship: **India** Residence: **Los Altos, CA**
Post Office Address: 35 Sylvian Way
Los Altos, CA 94022

Signature: _____ Date: _____
Ajit Dandapani

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : **Michael Nishimoto**

Citizenship: **United States of America**

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Post Office Address: 1956 Serge Avenue
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Signature: _____ Date: _____

Michael Nishimoto

Full Name of joint inventor number 4 : **Ira Pramanick**

Citizenship: **India**

Residence: **San Jose, CA**

Post Office Address: 5839 Capilano Drive
San Jose, CA 95138

Signature: _____ Date: _____

Ira Pramanick

Full Name of joint inventor number 5 : **Manish Verma**

Citizenship: **India**

Residence: **Sunnyvale, CA**

Post Office Address: 450 N. Mathilda
Apt. U102
Sunnyvale, CA 94086

Signature: _____ Date: _____

Manish Verma

Full Name of joint inventor number 6 : **Robert David Bradshaw**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: 276 Huckleberry Drive
San Jose, CA 95123

Signature: _____ Date: _____

Robert David Bradshaw

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Full Name of joint inventor number 7 : Luca Castellano
Citizenship: United States of America
Post Office Address: 251 Vista De Sierra
Los Gatos, CA 95032

Residence: Los Gatos, CA

Signature: _____ Date: _____
Luca Castellano

Full Name of joint inventor number 8 : Raghu Mallena
Citizenship: India
Post Office Address: 981 Pinewood Drive
San Jose, CA 95129

Residence: San Jose, CA

Signature: Raghu Mallena Date: 2/2/02
Raghu Mallena

Full Name of inventor:
Citizenship:
Post Office Address:

Residence:

Signature: _____ Date: _____

Full Name of inventor:
Citizenship:
Post Office Address:

Residence:

Signature: _____ Date: _____

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- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

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